

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PHILLIP D. RUPPERT,

Plaintiff,

v.

**ALB REAL ESTATE MANAGEMENT
and DAVID BINET,**

Defendants.

No. 11-1073-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

On January 21, 2014, pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge Philip M. Frazier submitted a Report and Recommendation (“the Report”) recommending that the Court grant the motion to set aside default judgment (Doc. 38).

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” by February 7, 2014. To date, none of the parties have filed objections, and the period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Thus, the Court **ADOPTS** the Report in its entirety (Doc. 38). The Court

GRANTS the motion to set aside default judgment (Doc. 29). Thus, the Court **VACATES** the August 9, 2012 Judgment (Doc. 22), the June 6, 2012 Default Judgment (Doc. 18) and the March 9, 2012 Clerk's Entry of Default (Doc. 8). The Court **DIRECTS** defendants to file an answer or responsive motion *instantly*.

IT IS SO ORDERED.

Signed this 10th day of February, 2014.

Digitally signed by
David R. Herndon
Date: 2014.02.10
10:51:38 -06'00'

The block contains a digital signature and a court seal. The signature is a blue ink scribble that reads "David R. Herndon". To its right is the official seal of the United States District Court for the Southern District of New York, which features an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The seal is circular with the text "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF NEW YORK" around the perimeter.

**Chief Judge
United States District Court**